United States Department of Agriculture
Rural Development
Pennsylvania State Office
www.rurdev.usda.gov/pa

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SUBJECT Conducting Environmental Reviews

TO: Program Directors, Area Directors, Rural Development Managers, Loan Specialists, Appraisers, Engineers and Architect
Rural Development, PA

Some of the most basic environmental issues still seem to be causing confusion when preparing environmental reports and assessments. Some standard terms and statements that are used in the write-up may also need clarification. These phrases and terminologies need to be appropriately selected for each individual project. **Each project and its environmental implications are different from each other. It is also necessary that decisions and determinations are supported with adequate documentation and explanations.**

Basics: The reason we do environmental reviews is to document and justify federal actions to the general public. It is also a document that determines our reasons for not preparing a more detailed assessment or an Environmental Impact Statement. Therefore, things we take for granted must be explained in a way that a person having no professional background would understand and agree with the conclusions. There is always a possibility that a member of the community or an interest group opposed to, but unfamiliar with the proposal may question our determination or request a copy of the assessment. It may take a few more statements to appropriately justify our determinations, in terms of applicable laws, regulations and other agency responses/contacts. All of us can save time by doing it right at the first time.

Office of General Counsel (OGC) has recommended that we identify three aspects on each issue:

context - what may or may not be impacted
Example, "sewer lines installed across wetlands"

intensity - extent of impact
Example**,** "temporary impact during construction only because lines will be buried an average of 4 to 6 feet deep", and

reason why it is not significant - justification why EIS is not needed
Example, "**USACE and PADEP joint permits for wetland crossings mandate mitigation measures such as clay dikes to prevent wetland drainage and soil layer restoration to restore the hydric soils in the wetland area. The wetland area will be restored close to its original condition. Therefore, no permanent or significant effect on wetlands is expected due to sewer line installation**."

Another method to consider the potential impacts is:

What are the **existing conditions** or **present status** of the area of potential impact?
For this you need to know the project boundary and the direct and indirect impact areas.

What are the **changes or impacts** the project can possibly have to the area, its environment and stakeholders (plants, animals & human beings); or the environment can have on the project and its' users?

Use the Natural Resources Management (NRM) Guide and other reference materials. When necessary, obtain input from subject matter experts. **Follow the guidelines and procedures in program instructions and NRM Guide.** If you are using a document prepared for another project as base, make sure that all references and specific descriptions are appropriately modified to reflect the new project. It is inappropriate to be reminded by an outside reviewer that the write-up belongs to the wrong project or the project is in the wrong township or county. It may help to copy appropriately modified wording form the previous document and paste it on a new write-up.

Important Land Resources, Prime Farmlands, Important Farmlands: (NRCS is the subject matter expert.) You need a very clear understanding of the definitions in Secretary's Memorandum 9500-2 (dated March 10, 1982) Appendix A to relate to the Farmland Protection Policy Act (FPPA) and the Departmental Policy 9500-3. Be sure that the consultants you work with understand that **Important Land Resources** consists of Important Farmlands, Prime Forestlands, Wetlands, Floodplains and Prime Rangeland**. Important Farmlands** consists of Prime Farmlands, Unique Farmland, Farmlands of Statewide Importance and Farmlands of Local Importance. **Prime Farmlands** consists of NRCS designated classes of soils. Also be cognizant of the difference between Prime Farmland and prime farmland soils. Use the correct terminology in the ERs.

Important Land Resources. Our policy is that utility lines normally have no significant impact on important land resources (because the lines are buried, can be farmed over and the site will be restored close to its original condition). Construction of permanent structures such as pump stations and treatment plants can impact or involve conversion of important land resources which the FPPA and the Departmental Policy tells us to avoid if at all possible. Therefore, you should adequately document that there is 'no conversion' or 'possibility for conversion' of each of the important land resources. The best way to do that is by using NRCS soils map, wetland maps and floodplain maps. Show all important land resources at the site and within or adjacent to the project boundary, as applicable. If impact or conversion is unavoidable, **follow the procedures outlined in NRM Guide and the RD Instructions to appropriately justify the action.**

The above statement on utility lines is true in case there is no indirect impact. Usually when utility lines are installed, in addition to the direct impact of construction, there will be potential for development in the vicinity of the installed lines. It could be along the sides of roads having no existing structures or a larger area around the direct impact area. Such an indirect impact may involve present or future conversion. If there is information on any such potential development available with the municipality or the public, it should be discussed in the assessment. The following discussion under each important land resource could be helpful.

Important Farmland. In order to justify converting important farmland, you need to perform Land Evaluation and Site Assessment (LESA) using Form AD 1006 available from NRCS or RUS Intranet. If the LESA scores over 160 points we need further justification in the form of evaluating alternative sites.

The only way to avoid the LESA form is if the area is urban built-up (UBU) under the NRCS criteria. In addition to the UBU mapped on USGS/2000Census maps, present guidelines also consider areas with more than 30 structures in the 40-acre area surrounding the site, calculated from the map by drawing a boundary around the site or for utility lines the area within the project boundary as UBU. If this exemption can be used, in each particular case you need to explain that you or NRCS did accurate calculations, observations, etc. in sufficient detail to prove that the exemption applies.

It is likely that only part of a project area is urban built-up and the other part is not. For example, the STP site or some of the lines could be outside the UBU area, but some of the lines may be within. In that case, explain why lines are in or outside the UBU; (may only be intended to serve existing users – 1794A-602 section 3.1.2.1). In addition, do a LESA on the STP site and the line area outside the UBU(only if it is on important farmland).

In another scenario, consider a section of the lines going through a significant length of important farmland with few, if any, existing users in that area. Since this is not intended to service existing users and creates a real potential for **indirect** impacts, you need to do a corridor-type LESA for this area, including alternative corridor routes for the line.

In a different scenario, consider the lines along the side of an existing road, with few or no existing users (not eligible for UBU exemption). A corridor type LESA could come up with less than 160 points. You can justify and allow corridor type development along both sides of the existing road, documenting the need for in-filling and protection of the important farmland beyond the corridor.

If the completion of LESA process indicates less than 160 points, the write up should contain a statement "based on the LESA process completed as documented under tab 1 position three, the project area/STP site received a score less than 160 and therefore need not be given further protection. Therefore, the proposed conversion is consistent with FPPA and USDA's policies."

Wetlands: USACE is the subject matter expert on non-ag land. NRCS is the expert on ag land. USACE and NRCS may be short staffed to make routine wetland determinations. For utility (RUS) projects, lines will be installed under USACE general nationwide permits (further delegated down to the states, i.e. PA DEP) and the conditions of the permits assure no adverse effect on wetlands, due to required restoration, etc. This should be explained in the ER.

For structures, additional documentation is necessary to show that we are not converting wetlands. The easiest and most inexpensive method is to show on a NRCS soils map, the hydric soils and soils with hydric inclusions for the entire site. At least one of these soil types must be present to have a wetland as defined by the USACE 1987 Wetland Delineation Manual. If the maps do not show any of these soils on the site, it is a strong indicator that no wetlands are present (there is a slight possibility that the soils maps could be in error due to the scale of the map). Also, consulting the National Wetlands Inventory Maps is a good idea, although they are rather inaccurate for wetlands smaller than 5 acres in size.

The best method is for the applicant to hire a qualified (someone who has had documented training on the USACE 1987 Wetland Delineation Manual) consultant. The engineering consultant is likely to have a qualified person, who should make a visual examination of the site and issue an authoritative letter outlining their qualifications and their **wetland determinations** on the site in question. Normally wetland delineation is not required. If wetlands are present on the site where structures are to be built, a qualified consultant will need to make **wetland delineation** (flag its boundaries) to assure that the structure, parking lot or the area disturbed by the project will not impact the wetland. If the boundaries are close (within 50 feet), then you will request the USACE to review the wetland delineation for accuracy, make a “Jurisdictional Determination” and provide comments on this site and other alternative sites. If conversion is involved you will need very strong documentation using the different process steps (refer NRM Guide) and consideration of mitigating measures for avoidance and reduction of impact.

Floodplains: FEMA is the subject matter expert, but no contacts are necessary. RUS guidelines also require that we keep the “critical facilities” (for the definition refer 1940-G or RUS Bulletin 1794A-602) out of the 500-year floodplain. Treatment plants and large pump stations are

considered "critical facilities". The environmental assessment needs to address 500-year flood plain in case of critical facilities.

Be sure to inform consultants early in the process that structures need to be kept out of the floodplain. If they will be built in the floodplain, that means conversion and we need to evaluate alternate sites in detail. Avoidance is the best policy. If conversion is involved you will need very strong documentation. Refer NRM Guide regarding requirements for the completion of FEMA Form 81-93 and use the process steps in the write-up.

Mitigation measures: You should list mitigation measures required for each environmental issue after they are explained and discussed in the write-up. The listed measures are to be compiled at the end in the Section for Mitigating Measures. They are to be concise and assign who is to do exactly what. No need to repeat anything that is required by law. For example, law requires Soil Erosion and Sedimentation Control Plans, only if the disturbed earth area is larger than 5 acres. If your project is smaller than that, list it as a mitigation measure, to have a formal, approved plan. This should be discussed under water quality issues.

Area of Potential Effect (APE): Although we no longer restrict future connections on important farmland, it is still necessary to show on ALL maps, the area of potential environmental effect of the project. (APE is basically the same as what we call the project boundary.) The boundary should be drawn rather tightly around the pipeline locations, existing structures and facilities unless there is some unique reason why the project will affect a larger (APE) area. Consider the scale of the map you are drawing. All of the resources and environmental issues addressed in the entire document should relate to the APE, especially the SHPO and NRCS reviews. If an area has potential for future utility line extension, even if it is not part of the current project, include it as a future service area when completing the assessment. It could save you time and owner the cost for preparing a supplement to the original assessment at a future date.

Maps: Maps are an integral part of the environmental documentation, and should support your discussions and determination. Most of the maps may be available as part of the Act 537 Plan or the Preliminary Engineering Report. Nearly all consultants can provide professional looking computerized maps in a considerably short time and at very low cost. Consultants can provide metadata (a detailed description of the source of the map and any data on it) and incorporate the project details on the map. If freehand drawing of floodplains are marked on a USGS map a copy of the actual FEMA floodplain map should be included to verify that the freehand drawing is accurate. The GIS systems do not provide free access to all types of maps at this point in time. FEMA charges for their maps and the ones provided on the web site may not be accurate, according to FEMA. They only provide a general overview of the area. So we need to be very careful.

The following information regarding maps are more applicable to RUS projects, in comparison with other smaller projects located on a small site. However, use it as necessary to generate a professional document.

When labeling maps and photos use names such as “Smith Site” and “Jones Site” same as in the written narrative. Stay away from “old site,” “new site,” “Site 2,” etc. It will be less confusing when the write-up is amended. Supplemental assessments should use the same names.

Two (2) sets of each -one for the file and the other for the applicant’s record- of the following will be required:

1. USGS Topographic Map, scale 200 % enlargement or other readable scale, keyed as follows:

(1) Blue	100-year floodplain as identified by FEMA
(2) Green	Wetlands as identified by NRCS, FWS, DEP, or USACE
(3) Pink	Historical/archeological or other environmentally sensitive areas.
(4) Black	Individual structures (squares) as shown on USGS maps
(5) Black	Pipes and structures (lines and circles) that comprise the project. These should be clearly labeled, such as "Pump Station #1".
(6) Red	Outline of the project's area of potential effect (project boundary/direct impact area/APE). Be sure to make this as tightly drawn as is reasonable.

This map will be placed in Position 3, Tab 1A of the environmental file. Refer to the Environmental File Checklist - Revised 06-10-2003.

2. Site photos. Clear photographs showing current conditions at key sites, as applicable (e.g., STP, tank sites, water treatment plant sites, pump station sites). ***No snow.*** Identify views and angles. At complicated sites, an index drawing or map may be needed to show the angles of each of the photos. Photos are placed in Position 3, Tab 1A of the environmental file.

3. Important Farmland Soils Map (Only needed if important farmland is present; not necessary if area meets "urban built-up" definition), scale 200% enlargement from NRCS soil survey maps or other readable scale. Take care in marking the project boundary, as the scale may differ on different maps. *Pay attention so no blurry photo images obscure important features*. Key it as follows:

(1) Yellow	prime farmland as identified by NRCS
(2) Brown	farmland of statewide importance by NRCS
(3) Orange	farmland of local importance by local county NRCS
(4) Purple	unique farmland as identified by local county NRCS
(5) Black	lines and structures labeled that comprise the project
(6) Red	outline of the project's area of potential effect (direct impact area)

This map will be placed in Position 3 Tab 1 of the environmental file.

4. FEMA Floodplain Map. Scale 100% or other readable scale. Show all panels in the project area. Reduction or enlargement may be needed when adjacent panels are not printed to the same scale (this sometimes happens when projects cross municipal boundaries). **Mark the outline of the project and area of potential effect on the floodplain map**. The floodplain map will be placed in Position 3, Tab 2 of the environmental file.

5. National Wetland Inventory Map. Scale 100% or other readable scale. Mark the outline of the project's area of potential effect on the NWI map. The NWI map will be placed in Position 3, Tab 3 of the environmental file. *Both NWI and soils maps are needed for wetlands.*

6. Wetland Soils Map, scale 200% enlargement from NRCS soil survey maps or other readable scale showing hydric soils. *Pay attention so no blurry photo images obscure important features*. Key it as follows:

(1) Green	hydric soils as identified by NRCS
(2) Light purple	soils with major inclusions of hydric components as identified by NRCS

Mark key sites, and the outline of the project's area of potential effect, on the wetland soils map. The wetland soils map will be placed in Position 3 Tab 3 of the environmental file. *Both NWI and soils maps are needed for wetlands.*

7. Environmental Justice Map. Use a USGS topographic map base at 200% or other readable scale to identify selected key sites, the area of potential effect (direct impact area), and

any nearby adverse environmental hazards (waste dumps, treatment facilities, brownfields, industrial facilities producing hazardous materials etc.) **If there are areas of low-income or minority population, it will be shown on this map.** Refer to PA AN No. 1201 (2006-P) dated February 1, 2005. The environmental justice map should be placed in Position 3 Tab 8, along with Form RD 2006-38.

Responsibility For Preparation And Approval Of Environmental Review Documents

(a) **APPROVAL OFFICIAL.** Rural Development official having approval authority for the Program action (loan/grant approval authority) is responsible for the environmental impact determination and environmental findings (FONSI) for Class I or Class II actions.

For ***Single Family Housing (SFH) Program,*** Rural Development Managers (RDM) and Loan Specialists (LS) may have the program approval authority. If you have the approval authority for the program action, you can sign as the preparer and can also be the concurring official for the Environmental Review Document –ERD- (Categorical Exclusion, Class I and Class II). ERD for Class I and Class II documents are to be submitted to the Program Director for review by the SEC, as noted in (d) below.

If you need concurrence from another official (RDM, Area Director, or State Office) for approving the loan/grant request/program action, you should sign as the preparer (only if you have the delegated Authority to prepare environmental review documents). Then, send it to the Approval Official to sign as the Concurring Official.

The Approval Official (for SFH) will sign as the PREPARER of the Environmental Review Document (ERD), unless the responsibility for preparing the ERD is delegated to another employee trained to prepare the ERD. For ***all other Programs subject to 1940-G,*** the approval authority for the Program action is with the State Office.

(b) **PREPARER.** The official with delegated authority to prepare the ERD or the Approval Official (if there is no delegated authority) will sign as the PREPARER of the ERD.

When the Approval Official is at the State Office level, the responsible Program Director (PD) will have the responsibility for preparing the appropriate ERD.

The Program Director may delegate this responsibility in accordance with §1940.302(i). Whenever the Program Director delegates this responsibility, the PD is responsible for reviewing the environmental document to ensure that it is adequate, that any deficiencies are corrected, and that it is signed by the preparer. When the document is satisfactory to the PD, the PD will sign it as the **concurring official**. When no delegation occurs, the PD will sign as the PREPARER.

(c) **CONCURRING OFFICIAL.** The Program Director will sign as the CONCURRING OFFICIAL on the ERD (Categorical Exclusion, Class I and Class II) for Program actions that require concurrence or approval at the State Office. Normally, SFH CATEX will not need PD signature, since it does not require State Office concurrence/approval.

The RDM or Loan Specialist will sign as the CONCURRING OFFICIAL on the ERD, for all program actions they are the APPROVING OFFICIAL. ERD for Class I and Class II documents should be submitted to the Program Director for review by the SEC, as noted in (d) below.

(d) **STATE ENVIRONMENTAL COORDINATOR (SEC) REVIEW/CONCURRANCE.** All Class I (includes Modified Class I) and Class II assessments (including SFH) are to be provided to the State Office for SEC review. The ERD will be sent to the Program Director to sign as the Concurring Official. When an ERD is submitted to the State Office for review both the

Approving Official (RDM, Loan Specialist or Area Director and the Program Director will sign as the Concurring Official. Upon concurrence the PD will send it for SEC review; prior to the final FONSI determination by the APPROVAL OFFICIAL. The SEC will review the assessment and provide recommendations to the APPROVAL OFFICIAL. Categorical Exclusions under 1940-G and CATEX without an ER under 1794, are not required to be reviewed by the SEC.

For Programs (RUS & EZ/EC) that fall under 1794 Environmental Regulations all Environmental Reports (ERs) and CATEXs with ER are to be reviewed by SEC. CATEXs (on Exhibit H form) without ER does not require review by SEC. The PREPARER and APPROVING OFFICIAL must sign Exhibit H – Environmental Checklist for Categorical Exclusion Form. The ER is usually prepared by a consultant. A cover sheet using the PA guideline must be included with the ER to properly identify the preparer. Signature of the PREPARER, CONCURRING OFFICIAL OR PROGRAM DIRECTOR is not required for the ER.

(e) **DELEGATION OF AUTHORITY AS 'PREPARER'.** The Program Director/Approving Official could delegate the responsibility to prepare the ERD, in accordance with §1940.302(i), to another employee that received appropriate training in the preparation of the ERD. A copy of the DELEGATION OF AUTHORITY should be sent to the SEC.

(f) **CERTIFYING OFFICIAL for Civil Rights Impact Analysis (Form RD 2006-38).** The State Director or an official designated to certify on his or her behalf, is the CERTIFYING OFFICIAL at the State Office level. The loan approving or servicing official can certify those actions completed at the field offices that do not require State Office approval.

(g) **PREPARERS INFORMATION on Standard Flood Hazard Determination (FEMA Form 81-93)** When completed by a RD employee, the form (section F) must be signed by the official responsible for preparing the ERD. Guaranteed lenders and intermediaries should complete the form for each loan action. When an intermediary makes a loan or grant to a third party using Agency funds, the intermediary will complete and sign the form. When the form is completed by a private vender or consultant (other than Lender), signature is not required, but section F should be fully completed. When the Form is completed by the Lender, the person completing the Form should sign.

Please furnish this guidance to consultants preparing on Environmental Reports for RUS projects under the 1794 regulation.

Environmental issues are very complex and each situation differs from the last one. It may appear very similar or same as the previous project, but may require a different statement. Please do not hesitate to contact SEC to discuss any specific question you may have.

/s/ Byron E. Ross

BYRON E. ROSS
State Director